

Atty. Dkt. No. 035451-0131 (3640.Palm)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-26 are now pending in this application.

Examiner Interview Summary

A telephonic interview took place on April 4, 2007 between Examiner Phu and Applicants' representative, Steven C. Becker. Mr. Becker explained that Applicants were proceeding under MPEP 715.07 III (C) (p. 700-282). Examiner Phu indicated that the declarations and supplemental declarations of record were insufficient because they failed to state that applicants were diligent from "prior to" the reference date to the filing date of the application. Examiner Phu indicated that a declaration from at least one inventor making the proper statement would be sufficient to overcome the rejection.

Second Supplemental Declaration

A Second Supplemental Declaration of inventor David Blight is submitted herewith stating that Applicants were diligent from "prior to" the filing date of Hamaguchi et al, (Second Supplemental Declaration, ¶2).

The Advisory Action also indicated that the declarations and supplemental declarations were insufficient because they did not provide "any statement or indication that the applicants are relying on their May 30, 2001 filing date as a constructive reduction to practice." (Advisory Action, p. 2). The Second Supplemental Declaration of Mr. Blight also states clearly that

-6-

Application No. 09/870,311

MILW_2280621.1

Atty. Dkt. No. 035451-0131 (3640.Palm)

Applicants are relying on their filing date as a constructive reduction to practice. (Second Supplemental Declaration, ¶4).

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

4-5-07

FOLEY & LARDNER LLP
Customer No.: 26371
Telephone: (414) 297-5571
Facsimile: (414) 297-4900

By



Steven C. Becker
Attorney for Applicants
Registration No. 42,308

-7-

Application No. 09/870,311

MILW_2280821.1